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United States of America
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9 IN THE UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 VIN WHEALEN GAINES JR.,
15 Defendant.
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CASE NO. 2:20-CR-0208-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: June 22, 2021
TIME: 9:30 a.m.
COURT: Hon. John A. Mendez

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18 **STIPULATION**

19 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
20 through defendant's counsel of record, hereby stipulate as follows:

- 21 1. By previous order, this matter was set for status on June 22, 2021.
22 2. By this stipulation, defendant now moves to continue the status conference until August
23 24, 2021, and to exclude time between June 22, 2021, and August 24, 2021, under 18 U.S.C.
24 § 3161(h)(7)(A), B(iv) [Local Code T4].
25 3. The parties agree and stipulate, and request that the Court find the following:
26 a) The government has represented that the discovery associated with this case
27 includes approximately 654 pages of investigative reports and other documents, as well as
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1 numerous video and audio recordings and other materials. All of this discovery has been
2 produced directly to counsel and/ or made available to defense counsel for inspection.

3 b) The indictment in this case was returned on November 5, 2020.

4 c) Counsel for defendant needs additional time to review the discovery, conduct
5 investigation, confer with his client regarding defense strategy, and to otherwise prepare for trial.
6 In particular, counsel intends to schedule time to review video discovery at the U.S. Attorney's
7 Office in the coming weeks.

8 d) Counsel for defendant believes that failure to grant the above-requested
9 continuance would deny him the reasonable time necessary for effective preparation, taking into
10 account the exercise of due diligence.

11 e) The government does not object to the continuance.

12 f) Based on the above-stated findings, the ends of justice served by continuing the
13 case as requested outweigh the interest of the public and the defendant in a trial within the
14 original date prescribed by the Speedy Trial Act.

15 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
16 et seq., within which trial must commence, the time period of June 22, 2021 to August 24, 2021,
17 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
18 because it results from a continuance granted by the Court at defendant's request on the basis of
19 the Court's finding that the ends of justice served by taking such action outweigh the best interest
20 of the public and the defendant in a speedy trial.

21 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
22 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
23 must commence.

24 IT IS SO STIPULATED.
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1 Dated: June 17, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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3 /s/ DAVID W. SPENCER
DAVID W. SPENCER
Assistant United States Attorney

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6 Dated: June 17, 2021

/s/ JEROME PRICE
JEROME PRICE
Counsel for Defendant
VIN WHEALAN GAINES JR.

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11 **FINDINGS AND ORDER**

12 IT IS SO FOUND AND ORDERED this 17th day of June, 2021.

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14 /s/ John A. Mendez
15 THE HONORABLE JOHN A. MENDEZ
16 UNITED STATES DISTRICT COURT JUDGE